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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,239	08/22/2003	Stefan Bertil Ohlsson	2002B117/2	9391
23455	7590	04/13/2006	EXAMINER	
EXXONMOBIL CHEMICAL COMPANY 5200 BAYWAY DRIVE P.O. BOX 2149 BAYTOWN, TX 77522-2149			BRUENJES, CHRISTOPHER P	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/646,239	Applicant(s) OHLSSON, STEFAN BERTIL	
	Examiner Christopher P. Bruenjes	Art Unit 1772	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: none.
 Claim(s) objected to: none.
 Claim(s) rejected: 56-83.
 Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.

Art Unit: 1772

ADVISORY ACTION

Acknowledgement of Applicant's Amendments

1. Applicant's amendments filed in the Paper filed April 5, 2006 have been entered for purposes of appeal.

WITHDRAWN OBJECTION

2. The claim objection of claim 73 of record in the Office Action mailed January 5, 2006, Pages 2-3 Paragraph 4, have been withdrawn due to Applicant's amendments in the Paper filed April 5, 2006.

REPEATED REJECTIONS

3. The 35 U.S.C. 102 rejections of claims 74-80 as anticipated by Lue are repeated for the reasons set forth in the previous Office Action mailed January 5, 2006, Pages 3-4 Paragraph 6.

4. The 35 U.S.C. 103 rejections of claims 74-80 over Lue in view of Wong are repeated for the reasons set forth in the previous Office Action mailed January 5, 2006, Pages 5-7 Paragraph 9.

Art Unit: 1772

5. The 35 U.S.C. 103 rejections of claims 56-73 and 81-83 over Lue alone or in combination with Wong in view of Takahashi are repeated for the reasons set forth in the previous Office Action mailed January 5, 2006, Pages 7-9 Paragraph 10.

ANSWERS TO APPLICANT'S ARGUMENTS

6. Applicant's arguments regarding the claim objection to claim 73 have been considered but are moot since the objection has been withdrawn.

7. Applicant's arguments regarding the 35 U.S.C. 102 rejections of claims 74-80 as anticipated by Lue have been fully considered but they are not persuasive.

In response to Applicant's argument that Lue fails to teach the natural draw ratio and tensile stress claimed, Lue inherently teaches these values for the reasons presented previously.

In response to Applicant's argument that the natural draw ratio and tensile stress are not inherent in Lue, Lue teaches that the critical layer of the film is the polyethylene copolymer layer and therefore any other layers added to the film would not materially change the properties of the polyethylene copolymer, otherwise the film would not possess the

Art Unit: 1772

characteristics desired by Lue. Therefore, in the same manner as the claimed invention, the layer of Lue that is not specifically a polyethylene copolymer, is selected so that it does not materially change the properties of the layer of the polyethylene copolymer. Once a reference teaching product appearing to be substantially identical is made the basis of a rejection, and the examiner presents evidence or reasoning tending to show inherency, the burden shifts to the applicant to show an unobvious difference.

8. Applicant's arguments regarding the 35 U.S.C. 103 rejections of claims 74-80 over Lue in view of Wong have been fully considered but they are not persuasive.

In response to Applicant's argument that the natural draw ratio and tensile stress are not inherent in Lue, Lue teaches that the critical layer of the film is the polyethylene copolymer layer and therefore any other layers added to the film would not materially change the properties of the polyethylene copolymer, otherwise the film would not possess the characteristics desired by Lue. Therefore, in the same manner as the claimed invention, the layer of Lue that is not specifically a polyethylene copolymer, is selected so that it does not materially change the properties of the layer of the

Art Unit: 1772

polyethylene copolymer. Once a reference teaching product appearing to be substantially identical is made the basis of a rejection, and the examiner presents evidence or reasoning tending to show inherency, the burden shifts to the applicant to show an unobvious difference.

In response to Applicant's argument that the suggestion to combine is not found within the references, Wong is used as a reference to teach why the film of Lue obviously meets the claimed limitations. Wong is not used to modify Lue, only to teach that Lue either already teaches the claimed limitations or that it would be obvious to one having ordinary skill in the art to change parameters of the composition and method to arrive at the different tensile stresses and draw ratios depending on the intended end result of the article.

In response to Applicant's argument that the Examiner is asserting an "obvious to try" standard, Wong specifically teaches that the draw ratio is determined by factors such as the polymer composition and morphology caused by the process of forming the film and since the film of Lue has the same polymer composition and morphology it obviously has the same draw ratio and tensile stress. Furthermore, it would be obvious to one having ordinary skill in the art from the teaching of Wong that it is well known in the art to change factors such as the

Art Unit: 1772

polymer composition and morphology in order to form different draw ratios depending on the intended end result of the article.

9. Applicant's arguments regarding the 35 U.S.C. 103 rejections of claims 65-73 and 81-83 over Lue alone or in combination with Wong in view of Takahashi have been fully considered but they are not persuasive.

In response to Applicant's argument that Takahashi does not remedy the deficiencies presented previously with regard to Lue and Wong, see the answers to the arguments regarding Lue and Wong.

In response to Applicant's argument that Takahashi fails to suggest placing the claimed copolymer as the core layer, Takahashi specifically teaches that a tacky layer and a non-tacky layer are placed on either side of an ethylene copolymer layer in order to provide the film with one tacky surface and one non-tacky surface for packaging purposes.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Bruenjes whose telephone number is 571-272-1489.

Art Unit: 1772

The examiner can normally be reached on Monday thru Friday from 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher P Bruenjes
Examiner
Art Unit 1772

CPB *CPB*
April 10, 2006



WILLIAM P. WATKINS III
PRIMARY EXAMINER

Acting For Harold Pyon
SPENU1772